

Chair Boyle called the regularly scheduled meeting to order at 9:07 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

GENERAL ADMINISTRATION

Notice was duly published December 9, 2003, on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held December 16, 2003, at 9:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

C-2977 In the Matter of Red River Network LLC, Oklahoma City, Oklahoma, seeking authority to operate as a resale common carrier of telecommunications services within the State of Nebraska: An order was entered to withdraw the application at applicant's request. Motion made by Commissioner Lowell Johnson, seconded by Commissioner Jerry Vap. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

C-3017 In the Matter of TSI Telecommunications Network Services, Inc., of Tampa, Florida, seeking authority to offer private line services as a telecommunications contract provider within the State of Nebraska: An order was entered to grant the application. Motion made by Commissioner Lowell Johnson, seconded by Commissioner Jerry Vap. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

C-3026 In the Matter of the Commission, on its own motion, seeking to conduct a 9-month proceeding as contemplated by the Federal Communications Commission in its Triennial Review Order adopting new rules for network unbundling obligations: Gene Hand informed the Commission that AT&T's Objection to Alltel's Notice had been filed December 5, 2003, and that motions for reconsideration were received from MCI and AT&T with regard to the Hearing Officer Order entered on December 8, 2003. Upon agreement of all Commissioners, Alltel will be allowed to respond to AT&T's objection on or before January 5, 2004. The matter will be on the January 6, 2004, agenda for further consideration. Hearing Officer Boyle denied the motions for reconsideration and provided clarification. The hearing officer will review the objections to the consolidated discovery filed by MCI and AT&T and issue a ruling. Gene Hand also informed the Commissioners that Qwest had filed motions to withdraw their nine-month UNE switching review in Idaho, Montana, South Dakota and Wyoming.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3030 In the Matter of Harold Shriner, Guide Rock, currently receiving telephone service from Alltel Nebraska, Inc., seeking authority to change the boundary area to receive telephone service from the Lawrence exchange of Glenwood Telephone Membership Corporation: A hearing was set for January 21, 2004, at 3:00 p.m. in the Commission Hearing Room, Lincoln.

C-3031 In the Matter of WWC License, LLC, a subsidiary of Western Wireless Corporation, d/b/a CellularOne, Issaquah, Washington, seeking approval of its advertising plan for measure usage universal service offerings in the State of Nebraska: An order was entered to stay consideration of the advertising plan. Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

C-3047 In the Matter of Primus Telecommunications, Inc., McLean, Virginia, seeking approval of a pro forma transfer of control: An order was entered to grant the application. Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

C-3048 In the Matter of Total Communications Services, Inc., Houston, Texas, seeking to cancel the interexchange carrier authority previously granted in Application C-2258: An order was entered to grant the application. Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

C-3049 In the Matter of the Commission, on its own motion, seeking to conduct an investigation into possible solutions for extending the life of area codes 308 and 402: Gene Hand reported on the status of responses to our information requests.

C-3050 In the Matter of Qwest Corporation, Denver, Colorado, seeking authority to amend its Certificate of Public Convenience and Necessity to provide local exchange service in all exchanges within the State of Nebraska in which Qwest is not currently a certified local exchange carrier: Gene Hand informed the Commission that a motion was received to dismiss Qwest's application from Elsie Communications, Inc. and Dalton Telephone Company, Inc.; the Rural Independent Companies and Hemingford Cooperative Telephone Company. Additionally, protests were received from Rural Independents, Hemingford, Elsie, Hartman, Arapahoe, Benkelman, Cozad, Wauneta, Curtis, Glenwood, Diller, Keystone-Arthur and Plainview: An oral argument was scheduled for January 6, 2004, at 2:30 p.m. in the Commission Hearing Room, Lincoln.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3061/ In the Matter of the Commission, on its own motion, seeking
PI-75 comment on the request by United Way of the Midlands to be
assigned the use of "211" in Hall, Hamilton, Howard and
Merrick Counties for access to First Call for Help (FCFH), a compre-
hensive information and referral service: Gene Hand informed the
Commission that a request had been received from United Way of the
Midlands. An order was entered to open the docket. A hearing was
scheduled for January 28, 2004, at 10:00 a.m. in the Commission
Library. Motion made by Commissioner Lowell Johnson, seconded by
Commissioner Jerry Vap. Motion passed with Commissioners Anne Boyle,
Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

C-3066/ In the Matter of the Commission, on its own motion, seeking
PI-76 comment on the request by United Way of the Midlands, on
behalf of Three Rivers Public Health Department, to be
assigned the use of "211" in Dodge, Washington and Saunders Counties
for access to First Call for Help (FCFH), a comprehensive information
and referral service: An order was entered to open the docket. A
hearing was set for January 28, 2004, at 10:00 a.m. in the Commission
Library. Motion made by Commissioner Lowell Johnson, seconded by
Commissioner Jerry Vap. Motion passed with Commissioners Anne Boyle,
Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

Gene Hand advised the Commission that information had been
received from Frontier Communications of Nebraska with respect to
their request for waiver of Rule 002.06 regarding 24-hour availability
of payphones in Frontier exchanges on December 5, 2003. The informa-
tion provides detail as to where the payphones or call boxes are
located in each Frontier exchange.

UNIVERSAL SERVICE FUND

NUSF-18 In the Matter of the Commission, on its own motion, seek-
ing to determine access costs for ALLTEL: An order was
entered determining that ALLTEL has removed implicit subsidies.
Motion made by Commissioner Frank Landis, seconded by Commissioner
Lowell Johnson. Motion passed with Commissioners Anne Boyle, Lowell
Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

NUSF-37.12 In the Matter of Jeffrey L. Pursley, Director, Nebraska
Universal Service Fund Department, Nebraska Public Service
Commission, Complainant, vs. Reduced Rate Long Distance, Respondent:
An order was entered dismissing the complaint. Motion made by Com-
missioner Lowell Johnson, seconded by Commissioner Jerry Vap. Motion
passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson,
Frank Landis, Jerry Vap voting AYE.

UNIVERSAL SERVICE FUND (Cont.)

Jeff Pursley reported on Late-Filed Carrier Remittances. WebLink Wireless/Pagemart's worksheet was received on December 4, 2003, 9 days late; however an electronic fund transfer has not been received. Mr. Pursley suggested that no late fee be levied at this time until funds are received, reviewing whether further action is warranted.

The Paging Services Workshop previously scheduled for December 9, 2003, was continued due to poor weather and rescheduled for January 27, 2004, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

Jeff Pursley reported on and discussed a bid for mapping software pertaining to NUSF-26.

Jeff Pursley reported on Qwest's Competitive Response Program.

Jeff Pursley distributed to the Commissioners a memo from the Nebraska Telephone Association regarding the NUSF lawsuit.

NATURAL GAS AND WATER DEPARTMENT

NG-0001 In the Matter of Aquila, Inc., d/b/a Aquila Networks
NG-0002 (Aquila), Omaha, seeking a general rate increase
NG-0003 for Aquila's Rate Area One, Rate Area Two and Rate
Area Three: Laura Demman informed Commission that a stipulation setting forth the rate case settlement among Aquila, the Public Advocate and Cornerstone Energy had not yet been finalized, but was expected to be filed on December 16, 2003.

P-0006 In the Matter of Aquila, Inc., Omaha, seeking resolution of
a dispute under Neb. Rev. Stat. Section 57-1306: Laura
Demman informed the Commission that Paul Schudel, on behalf of Metropolitan Utilities District, notified the Commission December 12, 2003, of an Intent to File Petitions for Review with District Courts of Sarpy and Lancaster Counties.

Commissioner Boyle noted the appointment of Laura Demman as Director of the Natural Gas Department.

RULES AND REGULATIONS

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to amend Title 291, Chapter 3, Motor Carrier Rules and
#148 Regulations, Section 001, Definitions, and to harmonize
existing rules: Shana Knutson informed the Commission that
the rules had been signed by the Governor and filed with the Secretary
of State on December 9, 2003. The rules will become effective on
December 14, 2003.

RULES AND REGULATIONS (Cont.)

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to amend Title 291, Chapter 3, Motor Carrier Rules and
#153 Regulations, to rewrite the chapter in its entirety and
format per Secretary of State requirements: Upon agreement
of all Commissioners, an order was entered proposing further amend-
ments and seeking comments.

LEGISLATIVE REPORT

Andy Pollock reported on a meeting with Senator Baker and
Jill Becker regarding open meetings law changes.

TRANSPORTATION DEPARTMENT

B-1144 In the Matter of Brown's Crew Car of Wyoming, Inc., dba
Armadillo Express, Cheyenne, Wyoming, seeking Commission
approval to waive the age qualification for driving a motor vehicle:
Upon agreement of all Commissioners, approval was granted and the rule
waived.

B-1614 In the Matter of Corn Belt Travel, Inc., dba First Place
Travel/Bye Bye Now Limousine, Sioux City, Iowa, seeking
authority as a common carrier in Nebraska intrastate commerce in the
transportation of passengers by limousine between points in South
Sioux City, Nebraska, and between points in South Sioux City and
points within a 100-mile radius of South Sioux City by sedans, luxury
or stretch limousines over irregular routes. RESTRICTION: The trans-
portation of railroad train crews and their baggage is not authorized:
Upon agreement of all Commissioners, the show cause and application
were dismissed and the hearing set for December 15, 2003, canceled.

B-1610 In the Matter of J. M. Wolfies, Inc., North Platte: The
hearing previously set for December 15, 2003, was continued
to January 6, 2004, at 1:15 p.m. in the Commission Hearing Room, Lin-
coln. Commissioner Vap will preside as Hearing Officer.

Rate Division

MR-1018 In the Matter of National Motor Freight Traffic Association,
Inc., Alexandria, Virginia, agent for an on behalf of parti-
cipating carriers, seeking authority to place in effect on Nebraska
intrastate traffic the provisions of the National Motor Freight
Classification, NMF 100-AD: Upon agreement of all Commissioners, the
application was granted.

TRANSPORTATION DEPARTMENT (Cont.)

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-E: The fuel surcharge was increased to 14 cents per mile and the taxi surcharge was retained at 20 cents per trip.

GENERAL ADMINISTRATION

The Commission approved the following invoices:

DAS - IMServices	\$ 315.33
DAS - Materiel	768.82
HHS Finance & Support	4,620.68
The Daily Record	290.50
Hamilton Telecommunications	73,386.21
Kelly Services	700.00
Kelly Services	319.20
Rod Johnson	158.04
Rod Johnson	110.88
Gerald Vap	507.60

Upon agreement of all Commissioners, Commission minutes for the month of November, 2003, were approved.

Upon agreement of all Commissioners, Commission meeting dates for January, February and March, 2004, were scheduled as follows:

January 6, 13, 21 (Wednesday following Martin Luther King Day), 27

February 3, 10, 18 (Wednesday following Presidents Day), 24

March 2, 16, 23, 30. No meeting March 9 (NARUC)

Upon agreement of all Commissioners, authorization was granted for Brenda Wicken to pay Commission invoices from December 16, 2003, through January 5, 2004.

Upon agreement of all Commissioners, authorization was granted for John Fecht to grant all grain warehouse and grain dealer licenses that meet statutory requirements from December 16, 2003, through January 5, 2004.

Upon agreement of all Commissioners, authorization was granted for Don Gray to travel to Denver, Colorado from January 6-8, 2004, to attend a forum sponsored by the Regional Oversight Committee (ROC) states to address the Triennial Review Order batch hot cut issue.

GENERAL ADMINISTRATION (Cont.)

Upon agreement of all Commissioners, amended filing fees were approved.

Commissioner Lowell Johnson moved that the Commission go into closed session to discuss personnel and litigation issues and Commissioner Landis seconded the motion. Upon agreement of all Commissioners, the Commission went into closed session at 10:05.

Commissioner Rod Johnson moved that the Commission return to open session and Commissioner Vap seconded the motion. Upon agreement of all Commissioners, the Commission returned to open session at 10:30.

Upon agreement of all Commissioners, the hours and salary were adjusted for a Communications Department employee.

The meeting adjourned at 10:36 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on January 6, 2004, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on January 5, 2004.

Chair

Executive Director